

RAYMOND C. CABALLERO  
MAYOR



## CITY COUNCIL

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
SEPTEMBER 17, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Representative Cook, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. 14 Honorary Citizens
2. Los Que Van Quedando Appreciation Day - 9/20
3. City of El Paso Employee Appreciation Day - 9/21
4. Domestic Violence Awareness Month - October
5. 8 Certificates of Achievement
6. Plaque being presented to Paula Powell from the National Alliance for Youth Sports
7. Paso del Norte Water Awareness Month – October

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No action was taken regarding the report from Mr. Terry L. Williams, Building Permits and Inspections Director, regarding the status of bus bench enforcement.

Mr. Terry Williams, Deputy Director of Building Permits and Inspections Department, provided Council Members a PowerPoint presentation, on file with the City Clerk's Office, that explained the enforcement responsibilities regarding bus benches and bus bench advertising. He noted that in the months of June and July, a sweep of the City was conducted so that the Department could inventory the bus benches. He explained that the Department would now begin an aggressive process of removing the illegal benches. He stated that the Sun Metro Department would be numbering their bus stops to correlate the bus benches assigned to the bus stop with the same numbering system as the Building Permits and Inspections Department. Following the completion of the numbering, the Building Permits and Inspections Department would then issue a license for each and every bench, to include a decal sticker applied to the bench designating the bench has been paid for appropriately under the terms of the franchise agreement. He added that this would assist the Department in recognizing illegally placed bus benches. He noted that changes in the Sun Metro rules were necessary; however, the Department would continue to assist Sun Metro regarding enforcement of the franchise agreements.

Mayor Caballero and Representative Cook thanked Mr. Williams for taking the initiative to ensure the franchise agreements' enforcement, notably the removal of benches detracting from the city's neighborhoods.

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Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Medina was not present for the vote.

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**\*RESOLUTION**

**WHEREAS**, an agreement (the Agreement) by and between the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, the PT ANNEX, LLC and the City of El Paso was executed on July 30, 2002; and

**WHEREAS**, said Agreement was made in order to accomplish the renovation of the Plaza Theater and Centre Annex as a performing arts center for the benefit of the citizens of El Paso; and

**WHEREAS**, said Agreement also contemplated the assignment of architectural services to the City of El Paso, currently contracted for by PT ANNEX, LLC, in an effort to achieve said renovation; and

**WHEREAS**, said Agreement also required the prior written approval of the underlying architectural contract by the Office of City Attorney and the Director of the City's Public Work's Department, such approval having been already granted;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute an Assignment of Agreement for Architectural Services by and between the **CITY OF EL PASO** and **PT ANNEX, LLC** as related to the renovation of the Plaza Theatre and Centre Annex.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Aviation be authorized to sign a Notice of Cancellation of Hold-over Tenancy effective October 17, 2002 for the Shoe Shine Concession Agreement dated June 1, 1996 between the City and Larry Williams and Christine Sanders.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Director of the Museum of Art be authorized to sign the Grant Agreement between the EL PASO WILDERNESS PARK MUSEUM and the TEXAS HISTORICAL COMMISSION for the amount of SEVEN HUNDRED FIFTY AND NO/00 DOLLARS (\$750.00) to provide for costs associated with activities during Texas Archaeology Awareness Month observation, October, 2002. Such costs shall include transportation and honorarium for Dr. David Carrasco, Harvard University, for a presentation at the museum as part of activities to commemorate Texas Archaeology Awareness Month and the grand reopening of the museum. A one-to-one City match of \$750.00 is required.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-057-1, City of El Paso Concentration Account:

- |         |  |
|---------|--|
| GROUP 1 | Wendy N. Hebestreit, Comptroller<br>Frank Keton, Accountant IV<br>Debra Tombosky, Accountant III<br>Robert E. Blackwood, Financial Reporting Manager |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk<br>Diana Nuñez, Deputy City Clerk<br>David Almonte, Director, Office of Management & Budget                   |
| GROUP 3 | Raymond C. Caballero, Mayor<br>Larry M. Medina, Mayor Pro Tempore<br>Luis G. Sariñana, Deputy Mayor Pro Tempore                                      |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

NOTE: Resolution was revised to read "GROUP 2 Richarda Duffy Momsen, Municipal Clerk"

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 7206-109-417-3, City of El Paso Employee Health Benefits Account:

- |         |  |
|---------|--|
| GROUP 1 | Wendy N. Hebestreit, Comptroller<br>Frank Keton, Accountant IV<br>Debra Tombosky, Accountant III<br>Robert E. Blackwood, Financial Reporting Manager |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk<br>Diana Nuñez, Deputy City Clerk<br>David Almonte, Director, Office of Management & Budget                   |
| GROUP 3 | Raymond C. Caballero, Mayor<br>Larry M. Medina, Mayor Pro Tempore<br>Luis G. Sariñana, Deputy Mayor Pro Tempore                                      |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

NOTE: Resolution was revised to read "GROUP 2 Richarda Duffy Momsen, Municipal Clerk"

## \*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-065-9, City of El Paso Payroll Account:

GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Robert E. Blackwood, Financial Reporting Manager

GROUP 2      Richarda Duffy Momsen, Municipal Clerk  
Diana Nuñez, Deputy City Clerk  
David Almonte, Director, Office of Management & Budget

GROUP 3      Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

**NOTE:** Resolution was revised to read "GROUP 2 Richarda Duffy Momsen, Municipal Clerk"

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-001-0, City of El Paso Pension Payroll Account:

GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Robert E. Blackwood, Financial Reporting Manager

GROUP 2      Richarda Duffy Momsen, Municipal Clerk  
Diana Nuñez, Deputy City Clerk  
David Almonte, Director, Office of Management & Budget

GROUP 3      Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

**NOTE:** Resolution was revised to read "GROUP 2 Richarda Duffy Momsen, Municipal Clerk"

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-227-045-2, City of El Paso Workers' Compensation Account - Ward N.A. Administrators:

- |         |  |
|---------|--|
| GROUP 1 | Wendy N. Hebestreit, Comptroller<br>Frank Keton, Accountant IV<br>Debra Tombosky, Accountant III<br>Robert E. Blackwood, Financial Reporting Manager |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk<br>Diana Nuñez, Deputy City Clerk<br>David Almonte, Director, Office of Management & Budget                   |
| GROUP 3 | Raymond C. Caballero, Mayor<br>Larry M. Medina, Mayor Pro Tempore<br>Luis G. Sariñana, Deputy Mayor Pro Tempore                                      |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

NOTE: Resolution was revised to read "GROUP 2 Richarda Duffy Momsen, Municipal Clerk"

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor and City Council approve the El Paso Fire Department's participation in the National Shattered Dreams Program dramatizing an automobile crash to demonstrate the dangers of drinking and driving to the youth of El Paso, to be held November 7, 2002.

The Fire Department will support the dramatization by allowing the participation of a Pumper to use the Jaws of Life to extract two patients and a fire medical unit to package and transport two participants to the R. E. Thomason General Hospital emergency room.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Memorandum of Understanding (MOU) between the City of El Paso, on behalf of the El Paso Public Library, and the Chamizal Collaborative Coalition (CCC). Under the terms of the MOU, the Clardy Fox Branch will become an active member of CCC and support and participate in providing services for the CCC by providing space for meetings and supporting youth initiatives in the form of programming and assistance from library personnel. There are no costs for membership or required by the MOU.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

## **R E S O L U T I O N**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso ("City"), as Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and the University of Texas at El Paso ("UTEP"), wherein UTEP will provide staff support to the Metropolitan Planning Organization, subject to Civil Service Commission approval. The contract period is from September 30, 2002, through September 29, 2003, at a total contract cost not to exceed \$76,945.00.

Ms. Theresa Caballero, citizen, remarked that she had requested items requiring the expenditure of tax monies be placed on the Regular Agenda for discussion and action. She advised that this Resolution between the City, UTEP and the MPO was an expenditure of tax monies. She added that she was neither in favor of nor against the expenditure of the monies but requested discussion on the particulars.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution. Representative Medina was not present for the vote.

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**\*R E S O L U T I O N**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

#### **NORTHEAST RECREATION CENTER**

**DEPARTMENT ID: 51510107, ACCOUNT 502215**

1.     **CONTRACTOR:**       Virgil Tharp, Timekeeper/Scorekeeper Midnight Basketball  
       **DATES:**           September 27, 2002 thru August 31, 2003  
       **RATE PER GM:**     \$6.00  
       **MAXIMUM AMT:**    \$600.00  
       **CONTRACT:**       2002/2003-058
  
2.     **CONTRACTOR:**       Lilly Tharp, Timekeeper/Scorekeeper Midnight Basketball  
       **DATES:**           September 27, 2002 thru August 31, 2003  
       **RATE PER GM:**     \$6.00  
       **MAXIMUM AMT:**    \$600.00  
       **CONTRACT:**       2002/2003-059

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**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: TERRY D. & PAZ T GENTRY of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2301 Gene Littler Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 14, Block 86, Vista Del Sol Subdivision, Parcel V893-999-0860-2700,

to be EIGHTY NINE AND 85/100 DOLLARS (\$89.85) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Seventeenth day of October, 1998 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of EIGHTY NINE AND 85/100 DOLLARS (\$89.85) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: ROBBIN E. WASHINGTON, SR. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

7517 Benson Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 6 (6223.23 SQ FT), Block 24, Ranchland Hills #4 Subdivision, Parcel R215-999-0240-3100,

to be SIXTY THREE AND 00/100 DOLLARS (\$63.00) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Seventeenth day of December, 2001 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of SIXTY THREE AND 00/100 DOLLARS (\$63.00) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: MATTESON, SHELBA J. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1212 Copia Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot S 50 FT of 30 TO 32, Block 117, East El Paso Subdivision, Parcel E014-999-1170-8600,

to be ONE HUNDRED FIFTY THREE AND 72/100 DOLLARS (\$153.72) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty Seventh day of March, 2001 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED FIFTY THREE AND 72/100 DOLLARS (\$153.72) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.



**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: CLARK, JAMES E. CUSTOM HOMES INC. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6200 Block Escondido Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot PT OF 1 BEG 882.86 FT NELY OF SLY COR (35.51 FT ON NLY-145.25 FT ON ELY-35.28 FT ON ST-138.47 FT ON WLY), Block 1, Balcones Coronado Subdivision, Parcel B190-999-0010-4105,

to be SEVENTY-THREE AND 61/100 DOLLARS (\$73.61) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fifth day of March, 2001 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of SEVENTY-THREE AND 61/100 DOLLARS (\$73.61) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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\*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Cashier II

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Motion made, seconded and unanimously carried to move to the Regular Agenda the item to re-appoint Judy Maddox to the Cable Communications Commission by Representative Cobos.

Representative Sumrall and Cobos thanked Ms. Maddox for her many years of service to the Cable Communications Commission.

Representative Cook complimented Ms. Maddox and stated his appreciation for Ms. Maddox providing feedback from the Cable Communications Commission meetings.

Ms. Judy Maddox stated it had been her pleasure to serve on the Commission.

Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to re-appoint Judy Maddox to the Cable Communications Commission by Representative Cobos.  
Representative Medina was not present for the vote.

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\*Motion made, seconded and unanimously carried to delete the re-appointment of Rosa Rangel to the Mayor's Advisory Board on Aging by Representative Cobos.

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\*Motion made, seconded and unanimously carried to appoint Viviana M. Contreras to the Art Resources Board by Representative Sariñana.

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\*Motion made, seconded and unanimously carried to appoint Veronica L. Veytia to the Bond Overview Advisory Committee by Representative Sariñana.

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\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street lights at the following locations:

1000 Valley Crest for \$929.00 and Valley Crest & Castner for \$929.00. Funding source to be provided from District 7's Discretionary Account Council Special Projects.

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\*Motion made, seconded and unanimously carried to remove street light poles #2364, 733, 2365, and 2366 located along Concordia Cemetery at no cost to the City. (Representative Cobos)

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Motion made, seconded and unanimously carried to move to the Regular Agenda the use of District 5 discretionary funds in the amount of \$1,000 to National Veterans Organization of America to help defray the cost of the Vietnam Memorial tribute at Sue Young Park, scheduled for October 10-13, 2002. (Representative Power)

Representative Cook requested an amendment to the item as he would like to provide \$1,000.00 from his discretionary funds to assist in defraying the costs for the tribute. He complimented Representative Power for taking this initiative and noted that the memorial would be a ¾ size replica of the Vietnam Wall in Washington, D.C.

Representative Sumrall added she would like to contribute \$1,000.00 from her discretionary funds as well.

Representative Cook commented that the approximate fees to bring the exhibit to El Paso was \$70,000.00 and appreciated Representative Sumrall's contribution.

Representative Power stated that area school children would have the opportunity to view the memorial and hoped that the exhibit would have a profound effect on them.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to authorize the use of District 5, District 4 and District 1 discretionary funds in the amount of \$1,000 per District to National Veterans Organization of America to help defray the cost of the Vietnam Memorial tribute at Sue Young Park, scheduled for October 10-13, 2002. (Representative Power)  
Representative Medina was not present for the vote.

NOTE: Item was revised to include \$1,000 contribution each from District 4 and District 1.

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\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

A. PID #S225-999-0040-4600, \$934.06 per month installments on a balance of \$5,604.36 for 1999, 2000 & 2001 taxes; Jose R. & Patricia F. Lopez – 3449 Greenock St.

B. PID #S148-999-000F-9100, \$1,922.57 per month installments on a balance of \$11,535.42 for 1998,1999, 2000, 2001 taxes; Miguel A. Andrade Jr. – 418 – 420 Canal Rd.

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Motion made, seconded and unanimously carried to move to the Regular Agenda RFP No. 2002-118R  
Traffic Management Information System

Representative Cobos commented that the traffic management information system would be financed with Certificates of Obligation and added that the City had borrowed the monies from fiscal years 1999 and 2001. He expressed that the City had delayed in spending the monies; however, the City had been levying taxes for several years and paying interest expenses for over \$90,000.00. He questioned why the City borrowed the monies if they were not being spent expeditiously and whether the monies borrowed last year had been spent.

Mr. Bill Chapman, Chief Financial Officer, responded that the \$1.3 million dollars had not yet been spent; however, the \$5 million dollars had been partially spent and had since been encumbered.

Representative Cobos reiterated that his disagreement with borrowing money and not spending it, yet levying taxes from which the taxpayers pay the interest expense. He stated that the \$90,000.00 might have been utilized for the City's street rather than interest expense. Furthermore, he noted he had received an e-mail from Mr. Paul van Camp who was protesting the authorization of the bid.

Mr. Byron Johnson, Director of Purchasing, addressed the protest concern and explained that RFP for Council Members information. He explained that the original bid was for a "pavement management system"; however, due to technological advances, the incorporation of a traffic management component and GIS were necessary. He stated that he received a copy of Mr. van Camp's e-mail but expressed that the RFP had been extended on two occasions and due to time constraints, the need to award the RFP was imminent. He expressed that the recommended vendor was a subcontractor of the gentleman that registered the complaint.

Representative Cobos questioned whether a local component was available and whether the technology would become obsolete in the near future.

Mr. Johnson responded that the local vendors were unable to meet the bid specifications.

Mr. Daryl Cole, Streets Director, reported that Environmental Systems Research Institute (ESRI) was compatible with the City's GIS base maps located at the Public Service Board and the Planning Department. He mentioned that the equipment would replace an ancient DOS program and would allow data to be entered only once. He communicated that changes in the award provided all the upgrades for the 10-year contract. Mr. Cole revealed that the Street Department had been utilizing the DOS program since 1986. Mr. Cole added the software would note the good pavements as well.

Representative Sumrall noted that the software had the capability to integrate with other software.

Representative Cook revealed that the software would note the glaring flaws in the City's paving throughout the City.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to award RFP No. 2002-118R Traffic Management Information System

Award to: Environmental Systems Research Institute, Inc  
Redlands, CA

Item (s): All

Amount: \$1,119,225.00

Department: Street Department  
 Funds available: 31250202-27202-508010 Project P501557  
 04102009-27156-508010 Project P540009  
 Funding source: \$500,000.00 Certificate Obligation FY01  
 \$619,225.00 Certificate Obligation FY99  
 Amount: \$1,119,225.00  
 Total award: \$1,119,225.00

The Review Committee based on evaluation factors established for this RFP recommend award to Environmental Systems Research Institute, Inc. See attached for explanation.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

In addition, it is requested that the Mayor and staff be authorized to execute budget transfers for this award and project, as necessary.

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 \*Motion made, seconded and unanimously carried to award Bid No. 2002-189 Uniforms for the Fleet Service

Award to: Unifirst Corporation  
 El Paso, Texas  
 Item (s): 1 thru 15  
 Amount: \$20,000.00 (estimated annually)

Department: Fleet Services  
 Funds available: 37370155-503120  
 Funding source: Fleet Services Internal Funds  
 Total award: \$20,000.00

The Fleet Services Department and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Item #16 will not be awarded at this time. Department will review specifications.

Vendor with lower bid was considered non-responsive because they failed to provide any information on their products as per the bid specifications.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year form the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

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 \*Motion made, seconded and unanimously carried to award Bid No. 2002-195 Emergency Lighting, Warning & Communication Equipment and Installation

Award to: Alamo Auto Supply  
 El Paso, Texas  
 Item (s): All  
 Amount: \$20,000.00 (estimated annually)

Department: Fleet Services  
 Funds available: 37370510-503121  
 Funding source: Fleet Services Internal Service Fund  
 Total award: \$20,000.00

The Fleet Services Department and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Only One Bidder submitted a Bid.

Vendor offers the city the option to extend the term of the contract at the same unit prices for One (1) or Two (2) additional years if the option is exercised within One (1) or Two (2) years from the date of the award

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-196 General Vehicle Accessories and Installation

Award to: Alamo Auto Supply  
El Paso, Texas  
Item (s): All  
Amount: \$20,000.00 (estimated annually)  
  
Department: Fleet Services  
Funds available: 37370510-503121  
Funding source: Fleet Services Internal Service Fund  
Total award: \$20,000.00

The Fleet Services Department and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Only one bidder submitted a Bid.

Vendor offers the City the option to extend the term of the contract at the same unit prices for One (1) or Two (2) additional years if the option is exercised within One (1) or Two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2002-211 Sale of Recyclable Aluminum Cans & Scrap Metals

Award to: Vendor 1: Desert Eagle Recycling  
El Paso, Texas  
Item (s): 2  
  
Vendor 2: El Paso Iron & Metal Co.  
El Paso, Texas  
Item (s): 3  
  
Department: Solid Waste Management  
Funds available: Revenue  
Funding source: Revenue Solid Waste Management  
Total award: \$10,000.00 (estimated)

Purchasing and Solid Waste Management recommend award as indicated to the best responsive offer meeting specifications, from responsible parties.

This is a twenty-four (24) month contract with no renewable options.

Item #1 is being deleted.

\*Motion made, seconded and unanimously carried to award Bid No. 2002-222 Food Product Establishment at San Jacinto Plaza

Award to: Big Boy Ice Cream  
El Paso, Texas  
Item (s): 1 and 2  
Amount: \$7,748.00 (estimated revenue)

Department: Parks and Recreation  
Funds available: Revenue  
Funding source: Revenue, Parks and Recreation  
Total award: \$7,748.00 (estimated revenue)

Purchasing and Parks & Recreation recommend award as indicated to the best responsive offer meeting specifications, from responsible parties.

This is a twelve- (12) month contract with the option to renew two [2] additional years on a year-to-year basis.

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-002 COMMUNITY DEVELOPMENT

This budget transfer moves \$50,000 from the 27<sup>th</sup> Year (FY 2001- 2002) Contingency account to the Mesa Terrace Construction account. Additional funding is needed to cover the City's 50% share of required PSB work and anticipated work to complete the Mesa Terrace project.

Decrease	\$50,000	from	71150069/G7127CD000107629/508027	Construction
Increase	\$50,000	to	71150069/G7127CD001107635/508027	Construction

.....  
\*Motion made, seconded and unanimously carried to approve the request of Bel Air High School to hold a homecoming parade on September 25, 2002 from 6:00 p.m. to 7:00 p.m. Route: Start in the parking lot of Lowes Supermarket (1025 Carolina), exit parking lot and proceed east on Carolina, left on Yarbrough, left on Parral, left on Venado, conclude in the Bel Air parking lot. Approximately 200 persons will take part and 3,000 spectators are anticipated. PERMIT NO. 02-116

.....  
\*Motion made, seconded and unanimously carried to approve the request of Spirit Life Christian Center to use amplification (1 head amplifier, 3 microphones, 4 speakers) on September 28, 2002 from 3:00 p.m. to 7:00 p.m. Approximately 10 persons will use amplification and 50 spectators are anticipated. PERMIT NO. 02-118

.....  
\*Motion made, seconded and unanimously carried to approve the request of Blazon Gold Way Neighborhood Crime Watch to block off the cul-de-sac in the 3400 block of Blazon Gold Way (between 3420 & 3421) on September 28, 2002 from 3:00 p.m. to 11:59 p.m. Approximately 120 persons will take part. Barricades must be manned according to the State's "Manuel of Uniform Traffic Control Devices". PERMIT NO. 02-119

.....  
\*Motion made, seconded and unanimously carried to approve the request of Del Valle High School to hold a homecoming parade on October 3, 2002 from 6:00 p.m. to 7:00 p.m. Route: Start at the corner of Kernel and Betel, go east on Betel to Bordeaux (approximately 1 mile), continue on Bordeaux and go into Del Valle High School's Conquest Stadium. Approximately 500 persons and 50 vehicles will take part and 1,500 spectators are anticipated. This request includes permission to use amplification (2 bullhorns, 1 karaoke machine). PERMIT NO. 02-125  
.....

\*Motion made, seconded and unanimously carried to approve the request of Dean Jones Neighborhood Crime Watch to block off the 1800 block of Dean Jones between School Lane and Bob Mitchell on September 28, 2002 at 12:00 p.m. to September 29, 2002 at 2:00 a.m. for a block party. Approximately 150 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-123

\*Motion made, seconded and unanimously carried to approve the request of Ysleta High School to hold a homecoming parade on October 4, 2002 from 9:00 a.m. to 11:00 a.m. Route: Start at Tigua parking lot #3 (corner of Socorro & Zaragosa), proceed to Alameda, west to Davis, end at Ysleta High School stadium. Approximately 500 persons, 40 vehicles, 2 horses and marching bands will take part and approximately 2,000 spectators are anticipated. PERMITNO. 02-122

\*Motion made, seconded and unanimously carried to approve the request of Coronado High School to hold a homecoming parade on October 4, 2002 from 4:00 p.m. to 5:30 p.m. Route: Start at Coronado High School upper parking lot to Cloudview, left on Northwind, left on Dawn, left on Mariposa, left on El Puente, right on Cloudview, back into parking lot. Approximately 150 persons, 25 vehicles and 3 flatbed trucks will take part and 100 spectators are anticipated. PERMIT NO. 02-117

\*Motion made, seconded and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (3 microphones, 2 speakers - 650 watts) on September 21, 2002 from 7:00 a.m. to 1:00 p.m. at Pavo Real Recreation Center. Approximately 6 persons will use amplification and 2,000 spectators are anticipated. PERMIT NO. 02-127

\*Motion made, seconded and unanimously carried to approve the request of Alejandro Medrano to block off 3003 through 3011 Escarpa (cul-de-sac) on September 21, 2002 from 7:00 p.m. to 11:59 p.m. for a block party. Approximately 75 persons and 25 vehicles will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (disco). PERMIT NO. 01-126

\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance providing for the issuance of City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2002A, in the aggregate principal amount of \$1,000,000, for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the bonds; and enacting provisions incident and related to the subject and purposes of this Ordinance.

#### ORDINANCE 15235

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO DELETE AN EXISTING LOCATION ON ROJAS DRIVE, BOTH SIDES FROM CHITO SAMANIEGO DRIVE TO ADABEL DRIVE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15236

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.) PARAGRAPH 12.88.040 (J) (NO PARKING, 7:00 A.M. TO 4:00 P.M.) TO ADD A NEW LOCATION AT SARA DANIELLE DRIVE, BOTH SIDES. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15237

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), BY ADDING A NEW CHAPTER 5.32 (PUBLIC SWIMMING POOL LICENSES), TO PROVIDE FOR THE LICENSING OF PUBLIC SWIMMING POOLS AND PUBLIC SPAS. THE PENALTY BEING AS PROVIDED HEREIN.**

Representative Sumrall asked for more information from City staff and questioned whether the Ordinance pertained to health or water issues.

Mayor Raymond C. Caballero interjected that the Ordinance pertained to drains located at the bottom of swimming pools and the injuries caused by the suction of the drains.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15238

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 9 (HEALTH & SAFETY), CHAPTER 9.48 (SWIMMING POOLS) IN ITS ENTIRETY AND TO CREATE A NEW CHAPTER 9.48 (PUBLIC SWIMMING POOLS & SPAS). THE PENALTY BEING AS PROVIDED HEREIN.**



There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15239

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 15184 THAT ESTABLISHED THE DUTIES OF THE FINANCIAL AND ADMINISTRATIVE SERVICES DEPARTMENT TO REMOVE THE SUPERVISION BY THE DEPARTMENT OVER THE CITY'S TECHNOLOGY FUNCTIONS.**

Representative Sariñana questioned whether or not the issue had been settled during this year's budget hearing process.

Mr. Charlie McNabb, Chief Administrative Officer, answered that it was Council's decision to move the Information Technology Department under his direction and added that the Ordinance would not be effective for approximately 30 days following that decision.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso City Council hereby authorizes the Mayor to take the necessary steps to change the name of Electric Way to Girl Scout Way, beginning at its intersection with Woodrow Bean/Trans Mountain Drive to Fairbanks Drive. This is located within the City of El Paso, El Paso County, Texas.

Representative Cook explained that there had been confusion regarding two streets having the same name; however, it was discovered that the name of the other road was "Girl Scout Road".

Ms. Patricia Aauto, Director of Planning, explained that the Resolution would authorize the City to replace signage renaming "Electric Way" to "Girl Scout Way" and noted that "Girl Scout Road" was located in Sunland Park, New Mexico; therefore, the DCC (Development Coordinating Committee) and CPC (City Plan Commission) favorably recommended the street name change in conformance with Code

requirements. She voiced that the Planning Department had held public meetings, asked for community input and noted that the City would incur the costs of replacing five street signs for approximately \$380.00.

Representative Sumrall wondered whether any residences or businesses were located on "Girl Scout Way".

Ms. Adatao responded no, and added that the street was approximately one block in length.

Ms. Mary Buntz, Director of Program Services and Property for the Girl Scouts, expressed that the Girl Scout agency was located ½ mile from Woodrow Bean/Trans Mountain Drive and stated their address of "9700" was provided for by the Planning Department. She mentioned that the Fire and Emergency Medical Department did not recognize the agency's address and questioned whether 9700 Girl Scout Way would be the agency's legal address.

Representative Cook reiterated that the address would be "9700 Girl Scout Way".

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to accept the Annual Report and recommendations to the City Council from the Cable Communication Commission. Representative Escobar was not present for the vote.

Ms. Judy Maddox, Commission Member, referred to the Cable Communication Commission's report and addressed several specific issues from the report. She thanked Mr. John Nance and Mr. Kevin Elkins, Assistant City Attorneys, and Ms. Debbie Brown, Secretary III, in the City Attorney's office. She mentioned that appointments to the Commission were needed from Mayor Caballero, Representative Sariñana, Representative Power and Representative Sumrall and noted that the Commission would provide recommendations and proceeded to elaborate on the recommendations. Report and recommendations on file with the City Clerk's office.

Representative Sariñana noted that the City may lose \$1 million; however, the customers would be saving \$1 million and added that constituents in his district could not afford cable and/or Roadrunner.

Ms. Maddox confirmed that the Commission did not regulate "Roadrunner" but added that the City collects 5.5% revenue, in the form of user tax.

Representative Sumrall questioned whether the law required the City to charge for "Roadrunner", in addition to the cable.

Ms. Maddox remarked that she was not an attorney; however, clarified that the City had signed a franchise contract with the cable company and in the contract the language stated the cable company would utilize City streets to run the cable through, and additionally, the cable company would pay 5.5% to the City for the use of the City streets.

Mayor Raymond C. Caballero asked for City staff recommendation regarding the comments made by Ms. Maddox.

Ms. Rita Rodriguez, City Attorney, responded that the recommendation would be to accept the report presented by Ms. Maddox. Ms. Rodriguez explained that the recommendation was not to double charge but to monitor the FCC litigation.

Ms. Maddox thanked Mayor and Council Members for the opportunity to serve and added that the members on the Commission were from various walks of life and happy to serve.

Ms. Lisa Turner, citizen, remarked that as per comments made by Ms. Maddox, it was her understanding that users of Time Warner would be “double charged” for the same line that furnishes cable and broadband capabilities. She noted that Roadrunner utilized the same cable as that of the television capacity and emphatically stated that she should not have to pay twice for the same cable.

Mr. Alan Spencer, General Manager for Time Warner, clarified that with the court action and FCC ruling, it was no longer appropriate to accept the fee and would remain in effect until such time that FCC rulings note otherwise.

Representative Sariñana asked Mr. Spencer if Time Warner would appeal the ruling.

Mr. Spencer replied no and responded that Time Warner collects the franchise fee from the customer and remits to the City; it had no effect on the company.

.....  
\*Motion made, seconded and unanimously carried to delete the discussion and action on transferring the building maintenance function of the Library to Parks Department and allocating the appropriate resources. (Representative Power)

.....  
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to direct the Mayor Pro Tem to convene a Legislative Review Committee Meeting of the Whole to establish the City's State Legislative Strategic Agenda. (Representative Power)

Representative Power explained that the City of El Paso had not been actively involved in the decision making process in Austin and noted that the City has hired state and federal lobbyists; however, Council members need to take a more active, aggressive stance. He then suggested convening a Legislative Review Committee meeting to enable members of the Council, the business community, Chambers of Commerce, and the public to discuss what the City's State Legislative Agenda should be. He added that he hoped a Legislative Review Committee meeting would be held to discuss issues pertaining to the City at the Federal level.

Mayor Raymond C. Caballero commented on the “Great Streets” initiative and how the City was in the processing of locating funding. He noted that the City assists Team El Paso, Fort Bliss, the Parks Service at the Chamizal National Memorial, and others prohibited by lobbying. He complimented the idea proposed by Representative Power.

Representative Power explained that if Council Members were truly concerned and wanted to become a part of the process, then there could be no excuses, as the vehicle to become involved would be established.

Mayor Caballero reiterated that the process had been established through policy established by Council Members or Team El Paso.

Representative Sumrall suggested the City Attorney's office formulate the Committee's structure and define this role and have it brought back to Council as an Ordinance Introduction.

Representative Cook reported that many years ago the Chamber of Commerce established a Community Legislative Agenda (“CLA”) and has worked with the Mayor and Council Members on establishing said Agenda.

Mr. Charlie McNabb, Chief Administrative Officer, replied that the CLA meets every year and the City has representation by one of the following: individual Council members, Mayor's staff or City Attorney's office.

Ms. Rita Rodriguez, City Attorney, noted that the Agenda had not yet been formalized; however, the City did present initiatives that would be included. She added that in previous years, initiatives have been received by City Departments from which an agenda was formalized to be approved by Council members.

Representative Cook complimented Representative Power for formalizing the process and questioned what the time frame was in establishing the agenda.

Ms. Rodriguez responded that in November the early filing of legislation was done. She acknowledged that she had received a "wish list" from Department Heads, in addition to her keeping a list of Council Members' recommendations throughout the year.

Representative Cook suggested Mayor Pro Tem, Representative Medina, convene the Legislative Review Committee expeditiously and asked that the "wish list" of Department Heads be forwarded to Representative Medina. Representative Power seconded.

Representative Sariñana advised that the City was a member of the Texas Municipal League ("TML") and commented on his proposed legislation regarding 5¢ deposit on bottles. He would be requesting information as to whether or not it would be feasible to utilize Sun Bowl vehicle rental tax monies to be used by the Convention and Visitors Bureau.

Representative Cobos agreed with Representative Power's suggestion and added he would be discussing issues pertaining to frivolous lawsuits, lawsuit abuse, and malpractice insurance rates for doctors at this future Legislative Review Committee meeting. He requested several Legislative Review Committee of the Whole meetings prior to the Legislative Review Committee meeting. He asked Ms. Rodriguez whether the City had retained a State lobbyist.

Ms. Rodriguez responded no; however, during the budget hearing process this year, Council Members had funded the "Intergovernmental Relations" position. She stated the City Attorney's office was in the process of creating the job description; and until the position was finalized, she has taken on the duties.

Mayor Caballero clarified that lobbyists, former and current, had requested that the City provide an individual to assist them in monitoring the City's legislative issues.

Ms. Theresa Caballero, citizen, stated that it was her hope that public comment would be allowed at the Legislative Review Committee meeting. She then commented on the City's contract with Bracewell & Patterson, a lobbying firm hired by the City to lobby the City's federal legislation. She remarked that Council members did not need to create special Committees to accomplish what has already been accomplished.

Representative Power would not support the Motion unless Council Members institutionalized the convening of a Legislative Review Committee of the Whole to be pre-scheduled every fiscal year to discuss the City's strategic agenda. He suggested the Mayor Pro Tem convene a Legislative Meeting of the Whole at a fixed date every fiscal year.

Representative Cook acknowledged that a formal process existed due to the deadline by which the City's agenda must be submitted to the Legislators.

Representative Cobos agreed with Representative Power's suggestion to institute the Legislative Meeting of the Whole to discuss the City's State and Federal agendas and suggested creating a formal organization, nominating a Chairman and finally, all Council members be in attendance at the scheduled meeting.

.....

No action was taken regarding the discussion and action on the Mayor limiting the public to one-minute discussion on an issue. (Theresa Caballero)

Ms. Theresa Caballero, citizen, remarked the Mayor or individual presiding over the body, may monitor the number of speakers and the length of time with which the speaker may talk; however, she opined that an erosion of the public's right to speak on agenda items had occurred. She questioned the reduction of time given to speakers from three minutes to one minute and with what consistency rules were enforced. She asked that speakers be given respect and allowed sufficient time to "make their point". She concluded by stating that individuals who had been excluded would come back and fight and exclaimed that she would not allow an individual(s) to take away her right to free speech.

Mr. Ruben Ramirez, citizen, stated that Mr. Larry Francis, former Mayor of El Paso, had initiated the "3 minute rule"; however, prior to that citizens were given as much time as necessary to state their point. He agreed with Ms. Caballero's comments in that a person could not state their point in one minute. He expressed that he did not want his freedom of speech to be controlled by the individual presiding over the City Council meeting.

.....  
No action was taken regarding the discussion and action on Charlie McNabb's role at City Hall. (Theresa Caballero)

Ms. Theresa Caballero, citizen, remarked that when a citizen had question(s) for a Council Member to answer, Mr. Charlie McNabb, Chief Administrative Officer, would interject and answer the question(s) for that Council member. She stated it was her perception that either the Council member did not know the answer to the question or was not given sufficient time to respond; however, she determined that Mr. McNabb's knowledge of City business was all encompassing. She stated that she had previously requested information pertaining to what issues the law firm of Bracewell & Patterson would pursue on behalf of the City; however, Mr. McNabb who intervened and responded on behalf of the First Assistant City Attorney, Laura Gordon. She made clear that it was her request that the City Attorney address her concern, not Mr. McNabb. She noted that it was Mr. McNabb who had addressed her concerns due to the question being factual rather than legal. She asked that when she or other individuals have questions of the City Attorney, the City Attorney should respond to the question(s) or state "I don't know the answer" and then research the information. She implied that Mr. McNabb was the only individual with the answers and questioned why he was allowed to "tell Council members what to do". She then commented on the proposed \$450,000.00 renovation for the 10<sup>th</sup> floor and the comments made by Mr. McNabb regarding the condition of the 10<sup>th</sup> floor. She remarked that Council members had not been made privy to the floor plan design and that Mr. McNabb had remarked the bid had been awarded.

Mr. McNabb responded to Ms. Caballero's comments by giving all the details on the 10<sup>th</sup> floor remodeling, the Bracewell & Patterson lobbying contract and the City's system of government.

.....  
Motion made by Representative Sumrall, seconded by Representative Cobos and carried to approve:

- a. placing names and contact numbers on each of the agenda items.

Representatives Cook, Medina and Sariñana voted Nay.

Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to approve:

- b. item(s) to be paid with Certificates of Obligation and/or Bond money to be placed on the Regular Agenda.

Ms. Theresa Caballero, citizen, asked Council members to institute policy regarding placing items on the Agenda. She requested contact names be attached to all City Council Agenda items, specifically expenditures of City monies.

Representative Sumrall agreed and stated that in the event Council members or individuals had question(s) regarding an agenda item, it would be convenient to attach a name with the particular agenda item.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the recommendation would be noted and added that the same issue had been addressed at City staff meeting(s). He noted that Ms. Richarda Duffy Momsen, City Clerk, had previously recommended that contact names and telephone numbers be included on the agenda items.

Ms. Momsen addressed Council Members and remarked that she had recently assumed oversight of the City Clerk's division of the newly reformed Municipal Clerk's office that also encompassed the Municipal Court and Records Management through the City's reorganization. She informed Council Members that she was working with the Mayor's office, City Council and the Information Technology Department to modernize agenda preparation and presentation using technology to promote transparency of City government. It was her opinion that the suggestion made by Ms. Caballero to note a contact person and telephone number was an excellent one and added that other cities also utilize this format.

Representative Sumrall moved to thank the City Clerk/Municipal Clerk for her initiative regarding placing names and contact telephone numbers on agenda items.

Ms. Caballero suggested that agenda items requesting the expenditure of public monies be placed on the regular agenda so that discussion could be held prior to Council member's vote.

Representative Cook clarified that consent agenda items could be moved to the regular agenda at any time. He added it would behoove Council members to ensure that their questions had been addressed either prior to or during the Council meeting, specifically in matters relating to the expenditure of monies.

Ms. Caballero requested the vote be taken regarding the placement of items referencing the expenditure of public monies be placed on the Regular Agenda. Additionally she stated that Council Members were the stewards of the public's money and the future of the City, and discussions should take place on expenditures.

Representative Cook disagreed and remarked that items placed on the Consent Agenda might have been approved at a previous City Council meeting and/or budget hearing and would not necessitate discussion. He reiterated that Consent Agenda matters were generally customary even though dollar amounts were associated with an item and belonged on the Consent Agenda; however, in the event Council members had questions needing answers, the item would then be moved to the Regular Agenda. He noted that consent agenda items were routine matters and acted on with one motion; however, Council members were obligated to do their due diligence and research matters prior to the City Council meetings.

Ms. Caballero remarked that Consent Agenda items could be tedious and added if Council members were too busy to consider the issues on Tuesday morning, then they should not be sitting on the Council. It was her opinion that \$450,000.00 for the 10<sup>th</sup> floor renovation was not routine and the item should not be placed on the consent agenda.

Representative Cobos remarked it was not practical to place every expenditure matter on the Regular Agenda; however, it was his request that matters involving capital expenditures clearly note the funding source and be placed on the Regular Agenda. He suggested matters over \$50,000.00 be placed on the Regular Agenda.

Representative Sumrall presented the following suggestion: matters utilizing Certificates of Obligation or Bond Proceeds be placed on the Regular Agenda and matters listed in the budget be placed on the Consent Agenda.

Representative Sariñana stated that Council Members and the public have the discretion to move items from the Consent Agenda to the Regular Agenda.

Representative Sumrall relayed that taxpayers/citizens may want to know what the Certificates of Obligation or Bond Proceeds were spent on and reiterated that matters relating to Certificates of Obligation and Bond Proceeds be placed on the Regular Agenda.

Mr. Ruben Ramirez, citizen, remarked that during the Larry Francis and Carlos Ramirez eras, he had requested matters regarding expenditures be placed on the Regular Agendas. He stated that it was his right to ask where the money was going.

Representative Sumrall stated she would be opposed to placing every matter regarding expenditures on the Regular Agenda as Council Members had approved the matter during the budget hearings.

Mr. Ramirez responded that he would like to know where the monies were going and where they came from, as was his right.

.....  
Motion made by Representative Sumrall, seconded by Representative Cook and carried to reflect correctly the fee for the City's contract with Bracewell and Patterson to be \$180,000.00 annually, \$15,000 per month. Representative Cobos voted Nay.

Ms. Theresa Caballero, citizen, thanked Council for supporting her suggestion regarding the placement of items referencing the expenditure of public monies on the Regular Agenda and expressed that both the taxpayers and Council Members would benefit greatly from that. She commented that the matter regarding the contract between the City of El Paso and the law firm of Bracewell & Patterson, hired to lobby in Washington, D.C. on behalf of City matters had appeared on two previous City Council agendas. She quoted Mr. McNabb as stating, "the City had never had lawyers before and that lobbyists do not charge by the hour".

Mr. Charlie McNabb, Chief Administrative Officer, interrupted and clarified that he had stated that most of the City's lobbyists had not been lawyers; however, the City had had lawyers that were lobbyists previously and explained that the contract was for lobbying services, not for legal services. He added that if legal services were requested it must be done by separate agreement approved by City Council.

Ms. Caballero continued commenting on the Bracewell & Patterson contract and expressed that comments made by Ms. Rita Rodriguez, City Attorney, and Mr. Charlie McNabb, Chief Administrative Officer, noted the City does not pay the firm by the hour. She displayed a copy of the contract and read excerpts of the contract into the record, specifically language under the "Payment" title. She questioned the number of monthly reports received by the Council members, and the number of months the law firm had been on the payroll books.

Representative Cook responded they have received two reports and added that Bracewell has been on the payroll books for five months for which they do not receive itemized statements.

Ms. Caballero noted that the law firm was in violation and therefore owed the City three reports. She then questioned the number of itemized statements seen by Council Members.

Representative Cobos expressed that he had requested copies (via email) of invoices from Mr. Bill Chapman, Deputy CAO of Financial & Administrative Services/Chief Financial Officer, which Mr. Cobos had yet to receive.

Ms. Caballero announced that the City was paying the law firm of Bracewell & Patterson \$15,000.00 per month but added that Ms. Rodriguez had clarified the \$15,000.00 was for reimbursable expenses. She pointed out that the language in the contract read differently and read the following contract language into the record "for actual services rendered or expenses occurred under this agreement". She believed that an agreement between the City and Bracewell & Patterson did not exist and the firm was in violation. She asked whether Council members had agreed to the \$75,000.00 or \$180,000.00 and further read the contract language into the record. She requested that Council members question why the City was paying the monies to the law firm and suggested ending payment until compliance with the contract had been reached.

Representative Cobos questioned the \$75,000.00 ceiling noted in the contract.

Ms. Rita Rodriguez, City Attorney, responded the dollar amount was incorrect and that information was disclosed during the September 10, 2002 City Council meeting. She remarked the contract was \$15,000.00 per month and informed Council Members that due to the item being posted as a discussion and action item, Council Members could correct the contract language to read the ceiling would be set at \$180,000.00.

Representative Sumrall explained the reasoning behind the error and moved to approve the contract at \$15,000.00 per month.

Representative Cobos asked Ms. Rodriguez to address Ms. Caballero's concern regarding the lack of itemized billing statements.

Ms. Rodriguez responded she would provide Representative Cobos with a copy.

Mr. Charlie McNabb, Chief Administrative Officer, interjected that Ms. Caballero assumed "itemized statement" meant the detailing of hours; however the contract states the flat monthly fee, noted in the monthly statements, in addition to possible itemized expenses.

Ms. Caballero interrupted Mr. McNabb and quoted the contract language as: "itemized statement on firm letterhead for actual services rendered". She stressed that the City should have received five itemized statements and reports.

Representative Cobos suggested Council members discuss the Bracewell & Patterson contract during the Legislative Review Committee of the Whole to discuss the City's State and Federal agendas, prior to Council members approving the contract.

Ms. Caballero concluded that lapses had occurred regarding the contract with Bracewell & Patterson in regard to the dollar amount paid to the law firm and the number of monthly reports and statements received by the City.

Prior to the vote being taken Representative Sumrall reiterated that the contract would be approved for a one year period or \$15,000.00 per month.

.....  
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to delete the discussion and action on the money to be spent on renovating the 10<sup>th</sup> floor. (Theresa Caballero)

Special Instruction: That the Planning Department bring blueprints of old floor plan (existing floor plan) and new floor plan. That the names of people who will be getting offices under new scheme be disclosed.  
Representative Sumrall was not present for the vote.



Ms. Theresa Caballero, citizen, remarked that the City of El Paso did not have a City Manager form of government but rather a Mayoral form of government and expressed that Mr. McNabb was not the final authority. She opined that the intention of the renovation was to expand the Mayor's office to include the grant writers and Public Information Officer/Press Secretary that would therefore reduce the amount of office space for Council members. It was her judgment that Council members had not been informed of the reduction of office space and added that the renovation item had appeared on the Consent Agenda and not on the Regular Agenda to which discussion and/or input would be allowed. She noted that careful consideration should be taken regarding the consent agenda items. She commented on the raise in hotel/motel tax due to the County withdrawing funding for the Convention and Visitors Bureau; however, Council members were willing to spend \$450,000.00 on renovations to the 10<sup>th</sup> floor. She alluded to Mr. McNabb's comments regarding the acoustical tile, lighting and the restrooms and expressed that those items would not total \$450,000.00. It was her opinion that the City should only replace worn acoustical tile and leave those tiles that do not need replacing. She expressed that light bulbs should be replaced when the bulb had burnt out and offered that the City invest in energy efficient light bulbs with adapters.

Representative Escobar commented about a presentation to Council members noting many ways with which the City might save regarding energy efficiency.

Mr. Ed Drusina, Deputy Chief Administrative Officer, responded the Energy Manager position had not yet been filled and provided information regarding the replacement of the light fixtures. Mr. Drusina explained that all City Hall remodeling would be in accordance with new City Codes to include energy efficient standards. He expressed that the remodeling of the Planning Department included energy efficiency, upgrades to the insulation and communication systems and added that ceiling tile in the Personnel Department would be replaced with suspended ceiling tiles. He explained that the suspended ceiling tile would allow City staff to easily reposition cabling. He disclosed that the carpet on the 10<sup>th</sup> floor needed replacement as it was in very poor condition in many areas.

Representative Cook moved to postpone for one week, Representative Sariñana seconded.

Ms. Caballero reported the renovation would be paid for with 1993 Certificates of Obligations and expressed that taxpayers had been paying interest on those Certificates of Obligation since that time. She informed Council Members that the carpet on the 10<sup>th</sup> floor located near the elevators and the bathrooms was fine and Representative Cobos' office was not in need of new carpet. She pointed out that the City need only move two feet of wall in the restrooms to accommodate the disabled population. She questioned where the \$450,000.00 monies would go if it were decided not to approve the 10<sup>th</sup> floor renovation.

Ms. Lisa Turner, citizen, commented that acoustical tile on the 10<sup>th</sup> floor had sustained water damage and remarked that restrooms in City Hall were not ADA compliant. She had examined the carpeting on the 10<sup>th</sup> floor and noted that it was a safety hazard and should be addressed. She questioned why Council Members would not follow through with the 10<sup>th</sup> floor renovations and added that it would be cost effective to renovate all at once rather than bit by bit.

.....  
Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance granting Special Permit No. SU-02013, to allow for governmental uses on a Portion of Lot 1, Block 2, STONE SUBDIVISION, El Paso, El Paso County, Texas (4191 North Mesa) pursuant to Sections 20.36.040.A and 20.40.040.B (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-1 (Commercial) and C-3 (Commercial). Applicant: Kinder Investments, LLP / Representative: Tom Powers, 310 S. Williams Blvd., #180, Tucson, AZ 85711.

**PUBLIC HEARING WILL BE HELD OCTOBER 8, 2002 FOR ITEM A**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....

**ADDITION TO THE AGENDA**

**\*RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY 2003 Discovery Series to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department Advisory Board and staff.

1. Janet Cowperthwaite for Kronos Quartet; one performance on October 17, 2003; cost of \$17,500.
  2. Rebecca Stenn for Rebecca Stenn/Perks Dance Music Theater; one performance on February 8, 2003; cost of \$12,000.
  3. Gary Lindsey Artist Services for Paco Pena Flamenco Dance Company; one performance on February 2, 2003; cost of \$13,000.
- .....

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Aviation be authorized to submit a grant application to the Federal Aviation Administration and the Mayor be authorized to sign the anticipated grant agreement and other necessary documents when the form and substance of those documents has been approved by the City Attorney, or her designee, for the Airport Improvement Program (AIP) Project No. 3-48-0077-20-02 which consists of the following:

- **Pavement Rehabilitation of Terminal Apron and Taxilane "A".** Specifically, the removal and reconstruction of approximately 58,220 square yards of asphalt concrete of the Terminal Apron and Taxilane "A" with Portland Concrete Pavement.
- **Security Enhancement – Terminal Modification.** This project will expand our terminal 25,600 sq. feet to consolidate passenger security checkpoints into a common area to serve the public in a more efficient manner.
- **Acquire Security Equipment.** Installation of additional perimeter fencing, automated gates and the acquisition of 4 new closed circuit cameras.

Additionally, Patrick T. Abeln, A.A.E., Director of Aviation be designated official representative of the City to act in connection with the application. The grant amount shall not exceed \$8,120,432.

.....

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

## **R E S O L U T I O N**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute an Agreement for Designation of an Enterprise Zone between Texas Economic Development and the City of El Paso. The Agreement designates an area of approximately 13.28 square miles as the Northeast El Paso Enterprise Zone (Number EZ355-080202-NEEP) pursuant to the provisions of the Texas Enterprise Zone Act, Texas Government Code, Chapter 2303. The designation shall be effective as of August 2, 2002, and shall continue in effect until September 1, 2009, unless earlier terminated.

Ms. Theresa Caballero, citizen, commented that the property was located in the Northeast area of the city.

Representative Cook remarked that he had no intention to move the item to the Regular Agenda for discussion as he was well aware of the Enterprise Zone.

Ms. Caballero noted she had researched the Enterprise Zone and understood land in the northeast would be deemed blighted in order that the City receive monies. She had not inspected the land herself; however, she questioned whether compliance with the statutes to establish the Enterprise Zone had occurred, what entity(ies) were requesting this, why had the agreement been backdated to August 4, 2002, had the businesses and property owners been properly notified the land would be deemed blighted, was the Ordinance to create the Enterprise Zone created, and, finally was a public hearing held.

Ms. Rita Rodriguez, City Attorney, responded all matters regarding the Enterprise Zone had been accomplished in accordance with the law, and that the City adopted an Ordinance, July 11, 2002, following the Ordinance's introduction and publication of the Ordinance. She advised that the Ordinance had gone to Austin; however, it was determined that the Enterprise Zone would commence August 2, 2002.

Ms. Caballero questioned how the establishment of the Enterprise Zone would benefit the taxpayers.

Ms. Rodriguez responded that issues pertaining to the Enterprise Zone were clarified June 11, 2002 at the public hearing.

Ms. Caballero questioned Representative Cook as to whether or not a loss in population of at least 12% had occurred during the most recent six year period or at least 4% during the most three year period.

Representative Cook countered whether Ms. Caballero knew what the area of the Enterprise Zone encompassed.

Ms. Caballero remarked that she assumed Representative Cook knew that information, as she did not.

Representative Cook offered Ms. Caballero copies of documents containing information pertaining to the Enterprise Zone. He remarked that he had practiced his due diligence and studied all avenues of the Enterprise Zone and noted that the zone would impact not only his district, but also portions of other Representatives' districts. He expressed that individuals would be allowed tax abatements to improve their properties and pointed out that the program was excellent. He informed the Council he would make himself available to address any particular questions Ms. Caballero needed addressing.

Ms. Caballero stated she assumed that population loss had occurred in that region.

Representative Cook remarked that population loss had occurred throughout the entire Enterprise Zone area.

Ms. Caballero noted that the Enterprise Zone fell under the TIF statute as well as the government code. She hoped that the Enterprise Zone was not a TIF issue.

Representative Cook made known that the Enterprise Zone was not a TIF district but an economic development tool which he embraced in his district as additional incentives were needed to allow businesses to improve their properties. He spoke with members of the Northeast Business Alliance.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Community Adjustment and Investment Program Agreement for Grants to U.S. State and Local Governments ("the Grant Agreement," Award Number 2001-039-TX-P) and related documents between the North American Development Bank (NADBank) and the City of El Paso including, but not limited to, the Certificate Specifying Officials Authorized to Execute and Deliver Disbursement Requests. The Grant Agreement will provide for grant funds up to a total of \$500,000 to be disbursed by NADBank to the City over a three-year period to supplement the El Paso City-County MultiBank Revolving Loan Fund of the City and County of El Paso.

.....  
**\*STATEMENT OF SUPPORT**

This is to certify that the City of El Paso supports the goals and objectives identified in the proposed Texas State Veterans' Home Grant. This Grant will be submitted by the County of El Paso, Texas to the Texas Veterans' Land Board on September 30, 2002.

The City of El Paso agrees to commit to carrying out the work described in the grant application. Specifically, the City of El Paso will provide or assist in the provision of traffic flow regulation aids, such as traffic lights, turn signals, traffic signs, street markings, sidewalks and driveways, and other measures necessary to facilitate entry and egress from the proposed site at a cost not to exceed \$35,000.00.

.....  
**\*RESOLUTION**

**WHEREAS**, the County of El Paso, Texas, proposes the donation of 44 acres to the State of Texas for the development of a state veterans' nursing home in Northeast El Paso; and

**WHEREAS**, Northeast El Paso contains the Ft. Bliss military installation and has a large concentration of retired veterans; and

**WHEREAS**, El Paso and the other counties that constitute the Far West Texas region of the U.S. Mexico border are home to over 58,000 veterans; and

**WHEREAS**, the history and economy of El Paso have been tied for over one and a half centuries to Ft. Bliss, and the City of El Paso places a high priority on the needs of military veterans; and

**WHEREAS**, the proposed site provides easy access to major medical facilities, emergency services, municipal services and other amenities in the community and is well suited for the construction of a large nursing home; and

**WHEREAS**, there is presently no nursing home located in Northeast El Paso to accommodate the needs of area veterans; and

**WHEREAS**, the City Council of the City of El Paso finds that it would be in the best interests of the City of El Paso and its military veterans for the Veterans Administration to build a Veterans Nursing Home in northeast El Paso; and

**WHEREAS**, the City Council of the City of El Paso is committed to assisting the Veterans Administration by providing traffic flow regulation aids such as traffic signs, street markings, sidewalks, and driveways, and other measures as necessary to facilitate entry and egress from the Proposed Site; and

**WHEREAS**, the City Council of the City of El Paso, upon the Veterans' Administration confirmation that it will proceed with the construction of the nursing home, will proceed with these improvements;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso supports the goals and objectives identified in the proposed Texas State Veterans' Home Grant to be submitted by the County of El Paso, Texas on September 20, 2002. As a show of support, the Mayor is hereby authorized to sign a statement of agreement and commitment to authorize the City Engineer to provide traffic flow regulation aids such as traffic lights, turn signals, traffic signs, street markings, sidewalks and driveways, and other measures as necessary to facilitate entry and egress from the Proposed Site at a cost not to exceed \$35,000.00.

.....  
\*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign a Professional Services Contract with **DR. KAREN L. GOLD** to conduct fire safety educational programs for juvenile fire setters and training Fire Department personnel. The contract period shall be from September 18, 2002 through August 31, 2003. The total amount of the contract shall not exceed \$4,500.00.

.....  
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOHN J. CLANCY**, to conduct an Economic Development Director Recruitment and Assessment Center for the Human Resources Department. The contract period shall be from September 18, 2002 through August 31, 2003. The total amount of the contract shall not exceed \$34,000.00.

Representative Cobos questioned why the City would hire an out-of-town firm or individual to recruit a Director for the Economic Development Department. He questioned Council members whether or not it was necessary to spend \$34,000.00 for Mr. Clancy's services.

Ms. Terry Bond, Human Resources Director, disclosed that expenses had been authorized to recruit for the position of Assistant Director of Human Resources.

Representative Cobos reported that Mr. Clancy had been contracted on previous occasions to recruit the positions of Chief Administrative Officer and Director of Personnel; however, it was determined that the individuals best qualified for those positions were already employed by the City. He expressed that the City employs many qualified and talented individuals and added that he would prefer promoting from within the City and hiring local individuals. He questioned spending the \$34,000.00 to recruit for the position when it was his feeling, the individual would be selected from El Paso anyway. He questioned utilizing newspaper(s) or the internet to recruit for the position rather than employing Mr. Clancy. He opined that the City would spend the funds and eventually promote from within anyway. He moved to deny the \$34,000.00 expenditure.

Representative Sumrall seconded Representative Cobos' motion and explained the individual hired to direct the Economic Development Department should be very versed in our city and surrounding region. She felt an individual not familiar with our area, would not be effective. She asked that the City begin recruitment procedures prior to the hiring of Mr. Clancy.

Representative Power remarked that the City had attempted to recruit for the position.

Mr. Charlie McNabb, Chief Administrative Officer, voiced that the City had attempted to recruit for the position on two occasions. He revealed that the City had advertised nation wide.

Ms. Bond interjected and reported that the position for the Director of Economic Development had been advertised by the City on two occasions, in addition to nationwide and internet advertisement. She relayed that 350 letters had been mailed to cities in Arizona, Texas and New Mexico from which 38 applicants had responded. She advised that the 38 applications had been reviewed; however, it was determined that a more qualified candidate could be found.

Representative Cobos suggested the City continue its recruitment procedures prior to expending the \$34,000.00.

Mr. McNabb noted that the Economic Development Department had been without a Director for many months and felt that the position was critical. He agreed that in many instances local individuals had been selected following a nationwide recruitment; however, the hiring of Mr. Clancy would avail the City to additional possible candidates.

Representative Sumrall questioned whether or not the City had interviewed any number of the 38 applicants that had submitted their applications.

Mr. McNabb reiterated that resumes had been reviewed; however, the City had not requested individual(s) to interview, as cost(s) would be incurred. He reminded Council members that five individuals would be listed to interview and it was determined that, from the 38 applications, the best five applicants did not possess the qualifications desired.

Representative Cobos responded that interviews reveal qualities not expressed on a resume and requested the City interview the applicants.

Mr. McNabb informed Council members that the applicants must complete an assessment center evaluation, in addition to the interview process. He stressed that the quality of the applicants would not yield a sufficient number of candidates from which to make a selection. He pointed out that Economic Development Directors from other cities would interview and evaluate the applicants through the assessment process, which tests the applicant's abilities, cognitive skills and qualifications. He emphasized there were too few applications to consider initiating the interview process.

Representative Sariñana questioned of the 38 applications received how many were local. Representative Sariñana remarked that he had spoken with his wife, a student at UTEP, and she had remarked that the University had not received any information regarding the position. Representative Sariñana suggested the City hire from within or consider Las Cruces or the surrounding areas and inquired as to the qualifications of Mr. Clancy.

Ms. Bond estimated the number to be 25 local applicants and added that the University receives job opening announcements from the Human Resources Department every week. Ms. Bond informed Council Members that a resume was provided in their backup materials and added that Mr. Clancy possessed a wide range of industrial and organizational development. She pointed out that Mr. Clancy retains clients from many states and cities and expressed Mr. Clancy had been involved in personnel recruitment for over 25 years.

Representative Sariñana opined that the job description might have overwhelmed local job applicants and that may be the reason for the low number of local applicants.

Mr. McNabb announced that the City does want the position to be overwhelming as the need to push the City forward was great and therefore requested that the applicant be very highly qualified and of national status. He relayed that Mr. Clancy's knowledge and contacts, built from over 25 years experience, was invaluable.

Mr. Bill Chapman, Chief Financial Officer, divulged that Council members had tasked him with the Economic Development Department, under the Financial Services umbrella. He had met with members of that department and urged the City to hire an individual of high quality to direct the Economic Development Department. He stated that, in his opinion, the \$34,000.00 would be an investment in the City's future. He disclosed that current members of the Economic Development Department, although very capable, were young and new to the Department. He reiterated that, of the local applicants, none possessed the desired training in Economic Development matters.

Representative Power thanked the Human Resources and Economic Development Departments and stated in order to raise El Paso to another level the City requires an individual of high caliber. He requested Council members accept the recommendation by the Human Resources Department and he moved to approve the Resolution. Representative Sumrall seconded the motion.

The vote on the Motion to deny was then taken with the following results:

Representatives Sumrall, Medina, Sariñana, and Cobos voted Aye.  
Representatives Rodriguez, Cook, Power and Escobar voted Nay.

Mayor Caballero was not present to break the tie.

Representative Cook moved to postpone one week, Representative Sariñana seconded.

Ms. Lisa Turner, citizen, recommended City Council spend the \$34,000.00 to secure the City's economic future. She noted that the City's economic situation was in the toilet and searching in the toilet yields no results.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ELI S. NEVAREZ** as a Computer Operator, for the El Paso Public Library at a biweekly rate of \$491.82 for 20 hours per week. The term of the contract shall be for the period of September 18, 2002 through September 17, 2004.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE GALVEZ**, to conduct two exhibits and presentations titled "Patriots" on September 21, 2002 at the Armijo Branch Library and Main Library to commemorate the events of September 11, 2001. The contractor shall be paid \$700.00 and travel and miscellaneous expenses up to \$420.00. The total amount of the contract shall not exceed \$1,220.00.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **GERARDO VELAZQUEZ** as a Project Review Coordinator, for the Parks and Recreation Department at an hourly rate of \$19.84, for 40 hours per week. The term of the contract shall be for the period of September 24, 2002 through September 20, 2003.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Personal Services Contract, Contract Employee, between the **CITY OF EL PASO** and **LEAH MOORE** as a Domestic Abuse Response Team Case Manager for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be for the period of September 25, 2002 through August 31, 2003.

NOTE: Resolution was revised to read "at the rate of".

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JEANNINE JOY BONDURANT** as a Programmer Analyst, for the El Paso Water Utilities at a biweekly rate of \$1,733.93, for 40 hours per week. The term of the contract shall be for the period of September 18, 2002 through September 17, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Human Resources Department be authorized to submit a grant application to CPS Human Resources Services and the International Personnel Management (IPMA) for a grant of \$25,000.00. If the City is awarded the grant, the funds will be used to implement a program establishing a Regional Employee Relations Mediation Center.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Human Resources Department be authorized to submit a grant application to CPS Human Resources Services and the International Personnel Management (IPMA) for a grant of \$25,000.00. If the City is awarded the grant, the funds will be used to implement a program of team building, acceptance of change, and focus groups with department directors.

\*Motion made, seconded and unanimously carried to approve the authorization for use of District 7 Previous Year discretionary funds in the amount of \$500.00 to the Parks and Recreation Department to assist with the Amateur Boxing Event at Carolina Recreation Center, October 19, 2002. (Representative Sariñana)



\*Motion made, seconded and unanimously carried to approve the authorization that \$200.00 be allocated from District 2 Discretionary Funds to assist the Northeast Regional Command Center with Pride Day Event. (Representative Rodriguez)

.....  
\*Motion made, seconded and unanimously carried to approve the authorization that \$200.00 be allocated from District 2 Discretionary Funds to assist the Central Regional Command Center with Pride Day Event. (Representative Rodriguez)

.....  
\*Motion made, seconded and unanimously carried to approve the authorization that \$200.00 be allocated from District 8 Discretionary Funds to assist the Central Regional Command Center with Pride Day Event. (Representative Cobos).

.....  
**RESOLUTION**

**WHEREAS**, Southern Union Gas Company, an operating division of Southern Union Company ("Company"), is a regulated utility subject to the exclusive original jurisdiction of the City of El Paso ("City") for rates, services and operations within the City; and

**WHEREAS**, on July 18, 2002, the Company filed a Statement of Intent to increase base rates by \$3,976,159 in its El Paso Service Area, effective 35 days after the filing; and

**WHEREAS**, the City Council suspended the operation of the filings for 90 days from the effective dates or the maximum allowed by law; and

**WHEREAS**, Southern Union Gas Company has provided evidence that it has complied with the notice requirements of Texas Utilities Code § 104.103; and

**WHEREAS**, City Council finds that a base rate revenue increase of \$1,918,230 per annum for the El Paso Service Area permits the company a reasonable opportunity to earn a reasonable return on its invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses; and

**WHEREAS**, the City Council finds that it is reasonable to amend the Company's Cost of Gas clause to allow it to recover interest on gas placed in storage for use of the General Sales Customers in the El Paso Service Area commencing with the balance of storage gas, if any, on the effective date of rates specified herein, at the time of the annual reconciliation through the Gas Adjustment Clause; and

**WHEREAS**, City Council finds that it is reasonable to permit the Company to engage in certain non-utility transactions with respect to gas which is in storage so long as there is no financial risk to ratepayers, and the margins on such transactions are split so that two-thirds of the net margins are credited to the Cost of Gas in the Cost of Gas Clause and one-third is retained by shareholders; and

**WHEREAS**, the City Council finds that it is reasonable to amend the Company's Cost of Gas Clause to permit monthly adjustments in the cost of gas instead of quarterly adjustments and to change the timing of the filing of the annual audit statement from November to December; and

**WHEREAS**, the City Council finds that a change to monthly adjustments will not result in any change to the cost of gas charged to customers after reconciliation; and

**WHEREAS**, the City Council finds the Company's request for a change in depreciation rates should be denied; and

**WHEREAS**, the City Councils finds that the base rate increase approved herein should be applied ratably to all customer classes; and

**WHEREAS**, the City Council finds that rate schedules attached hereto are appropriate to allow the Company to recover just and reasonable rates from its customers in the El Paso Service Area; and

**WHEREAS**, the City Council finds that the \$1,918,230 subsumes within it the total revenues to be recovered through the rates herein set, all reasonable rate case expenses of Southern Union Gas Company and the City in this proceeding and from the proceeding resulting from the Company's Statement of Intent filed October 18, 1999; and

**WHEREAS**, the City Council retained Norman Gordon of Diamond Rash Gordon & Jackson, P.C. and GDS Associates, Inc. to assist the City with its review of the applications and with settlement discussions; and

**WHEREAS**, the Public Utility Regulation Board met on September 6, 2002 and after presentation and consideration of this proposed resolution voted to recommend approval of the Rate Increase to the City Council; and

**WHEREAS**, the City Council finds that the Proposed Settlement contained in the Memorandum from Norman J. Gordon to the Public Utility Regulation Board dated September 6, 2002, attached hereto should be adopted; and (Memorandum on file with this Resolution in the City Clerk's office).

**WHEREAS**, the City Council finds that actual and estimated fees and expenses of \$61,061.80 are reasonable for the City's participation in the proceeding;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO**

**SEC 1.** Southern Union Gas Company is ordered to submit for approval by City Council new rate schedules setting forth the rates approved in this resolution.

**SEC 2.** Southern Union Gas is ordered to reimburse the City for its expenses as invoiced by the City, not to exceed \$61,061.80.

**SEC 3.** Southern Union Gas Company is authorized to institute the amendments to the Cost of Gas Clause as recited above and attached hereto effective September 24, 2002. (Amendments on file with the Resolution in the City Clerk's office)

**THAT** all relief requested by Southern Union Gas Company not granted herein is denied.

Mr. Anthony Herbst, Public Utility Regulation Board Chairman, thanked Mr. Kevin Elkins, Assistant City Attorney, Mr. Norman Gordon, attorney, and Ms. Debbie Brown, Secretary III, City Attorney's office, for their invaluable assistance. He explained that Southern Union Gas ("SUG") had filed a Statement of Intent to increase base rates by \$3, 976,159.00 for customers in the El Paso service area, July 18, 2002. He noted that Council Members had suspended the effective date of the rate filing for 125 days and referred the matter to the Public Utility Regulation Board for recommendation. He explained that the Board held meetings in August 2002, culminating with a meeting September 6, 2002, during which the Board voted on two issues: 1. a more general rate increase; and 2. rate increase to move SUG's operations back to the downtown area. He stated that the Board voted unanimously, 6-0, to recommend approval of a proposed settlement and voted 5-1, Richard Diaz voting Nay, to the recommendation accepting the proposed rate change associated with the move to downtown. He noted that to move SUG would cost an additional \$481,770.00, an additional cost of 17¢ per month per residential customer. He noted that the recommended base rate increase of \$2,400,000.00, to include the moving costs, would cost an additional 81¢ per month per residential customer.

Representatives Sariñana, Power, and Medina questioned Mr. Herbst on the move to downtown.

Mr. Herbst responded the main point behind the discussion regarding moving SUG downtown, was to assist in the economic development of Downtown El Paso.

Representatives Sariñana, Medina and Cook questioned Mr. Fleager, SUG, whether he had moved on his suggestion regarding placing literature or a survey in the ratepayers' monthly billing statements.

Mr. Fleager responded that on July 17, 2002 he had met with Representative Sariñana and due to time constraints, the placing of literature and/or a survey in addition to providing accurate statistics could not be accomplished.

Mr. Fleager explained SUG's position regarding the downtown relocation, the financing related to that move and the particulars involved regarding relocation of staff.

Representative Cobos explained that as the downtown representative, he would like to see more companies; however, he takes offense to having the ratepayers subsidizing SUG's move; furthermore, he opined that SUG's moving downtown would not create new jobs and would not have a significant effect on the economic development of downtown El Paso.

Mr. Ruben Ramirez, citizen, mentioned that at one time SUG was located in downtown El Paso at Kansas and San Antonio and remarked that when the company moved to the northeast, the jobs went with it. He questioned why the rates were not set at the same rate but fluctuated from 3.84 in January of 2001 to 3.0860 in April of 2002. He questioned how the 4.5 rate was established if the rate changed on a monthly basis.

Mr. Norman Gordon, outside counsel regarding the Southern Union Gas rate case, clarified the question as due to the cost of gas varying from month to month and year to year. He answered that the 4.5% was established as per SUG's review of the 2001 average gas costs.

Representative Cook moved to approve the Resolution; however, striking the language in Section 2. Representative Sariñana seconded.

Mr. Gordon interjected that if Council Members strike the language in Section 2 other additional changes to the Resolution would need to be made and he requested Council Members decide on whether to allow SUG to move to the downtown area or not.

Representative Cook rephrased his motion to state striking the language in Section 2 of the Resolution. Representative Sariñana seconded.

Ms. Laura Uribarri, Greater El Paso Chamber of Commerce, expressed that the Chamber was in support of SUG moving to the downtown area and added that it was the Chamber's feeling that the rate increase was well worth the needed downtown development. She advised that through past economic developments, the vitality of the downtown area played a huge part in the City's and community's efforts to attract new employers and investments.

Representative Escobar noted that he had previously lived in St. Louis, Missouri and added that Busch Stadium was located in downtown area. He explained that on game nights employees would stay after work and walk to the stadium to enjoy the game.

Representative Cook questioned why the City would not have thought to move its own water utility department to the downtown area, or any other City department. He reiterated his motion was to delete Section 2 from the language of the Resolution.

Mrs. Oaker, citizen, commented on leaving the Southern Union Gas building on Pollard empty.

Ms. Lisa Turner, citizen, explained that she had attended the Public Utility Regulation Board meetings and noted that the rate request had begun at \$1.40 and through negotiations was decreased to \$0.81, to include the moving expense to downtown. It was her opinion that the monies spent assisting SUG in moving to the downtown area would be wisely spent.

Mr. Mervin Moore, architect, Chairman of the Board of the Greater El Paso Chamber of Commerce and member of the Public Utility Regulation Board, spoke as a member of the Public Utility Regulation Board and expressed that successful communities have a vital downtown. He acknowledged that one major corporation had considered El Paso as a site for relocation; however, refused to move to El Paso due to company's poor impression of downtown area. As a member of the Public Utility Regulation Board, he explained, the dividends regarding the small rate increase allowing SUG to make the move back to the downtown area would yield benefits higher than what was invested. He advised his vote was to approve moving SUG back to the downtown area and recommended to City Council Members that the rate increase was a small price compared to the many benefits the City would see in the leadership displayed by SUG in making the move.

Representative Cook questioned Mr. Moore and Ms. Uribarri if during the PURB's deliberations consideration was taken as what the economic impact would be to Dyer Street and the northeast area.

They explained the efforts the Chamber has made to lease the SUG building.

Mr. Richard Diaz, Public Utility Regulation Board, mentioned that the PURB had voted unanimously to approve the rate case increase; however, the issue regarding moving SUG to the downtown area at ratepayers expense was not unanimously approved as it was his lone Nay vote in opposition. He opined that something was incestuously wrong when the City Council/Mayor had requested/asked/recommended that SUG move downtown or the rate case would not be approved. He asked that Mr. Fleager seek only the rate case approval; however, not seek the approval of the downtown move at the expense of not only the ratepayers, but Northeast residents as well.

Representative Cook clarified that the motion was to delete Section 2 from the draft Agreement. Representative Sariñana seconded.

At this time the vote was taken with the following results:

Representative Rodriguez, Representative Medina, Representative Cook, Representative Power, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye.

Representative Cook asked Mr. Gordon for recommendation as to how Council Members should proceed.

Mr. Gordon noted that with the change to the proposed Resolution, the amount of the rate increase would be reduced from \$2.4 million dollars to \$1,918,230.00 and amendments could be acted on immediately; however, the Resolution also calls for Council Members to approve tariffs submitted by SUG which contemplated the moving, which would need revision. He asked that Council Members approve a rate increase of \$1,918,230.00 and allow counsel to make the appropriate changes to the Resolution and to have the tariffs brought back to Council at the next week's City Council meeting. Representative Cook moved on Mr. Gordon's recommendations.

Representative Sariñana recommended postponing the Resolution for one week. Representative Escobar seconded.

Mr. Gordon interjected and explained he would brief Council Members on the changes regarding the cost of gas clause and would discuss this during the next City Council meeting.

Representative Cook asked Representative Sariñana to reconsider his motion as the discussion and public hearing had been held. He stated that Council action would be to approve the rate increase to the \$1,918,230.00 amount rather than the \$2.4 million and noted that only the modification to the tariffs needed to be rewritten.

Mr. Gordon suggested Council Members delete the "Whereas" clause appearing on the second page and read the as yet to be delete language into the record.

Representative Sariñana rescinded his previous motion.

Mr. Gordon then noted that a subsequent revision to strike the "\$2.4 million" and insert "\$1.918,230.00" should be accepted.

Representative Cook added there were other areas in the Resolution needed revising to delete the "\$2.4 million" and insert the \$1,918,230.00" amount. **Representative Cook moved to amend the Resolution as stated by Mr. Gordon. Representative Sariñana seconded.**

Mr. Gordon pointed out the renumbering of the Sections and added a Section 4 and read the proposed added language into the record.

Representative Sariñana thanked Southern Union Gas and the member of the Public Utility Regulation Board and finally, Mr. Gordon for their efforts in handling the matter in a professional manner.

Mr. Gordon briefly addressed Council Members regarding the cost of gas clause changes. He explained that the surcharge applicable to other municipalities of 6¢ per CCF, related to another case located in the lower portion of the State, would not apply within the City. He clarified that the language appeared in the Cost of Gas clause attached to the amended rate schedules for Council Members approval.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution, as revised.

The vote was then taken with the following results:

Representative Rodriguez, Representative Cook, Representative Medina, Representative Power, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye.  
Representative Sumrall was not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks the following item:  
Discussion and Resolution: Mayor and City Representatives, I will ask for this entity, City Council, to study the feasibility of adopting and creating a group of citizens who will dictate and rule on police arbitraries on citizens. (Mr. Leopoldo Sierra)  
.....

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

**A.** Acquisition of real property for park located in Ranchos del Sol #2. (551.071 and 551.072)

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:


.....  
Motion made by Representative Sariñana, seconded by Representative Escobar and carried that the Parks Director's exercise of the City's option to purchase real property for a park located in Ranchos Del Sol on July 31, 2000 is hereby ratified; and that the Mayor be authorized to sign a Contract for Professional Appraisal Services to establish the value of property owned by Danielson Partners, Ltd. and Industrial Loop 375 Joint Venture for a park located in Ranchos Del Sol.

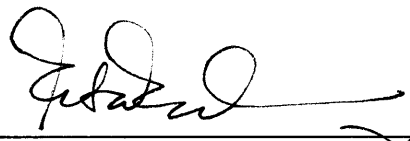
Representative Sumrall, Representative Rodriguez and Mayor Raymond C. Caballero were not present for the vote.

.....  
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:00 p.m.  
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

  
\_\_\_\_\_  
Rita Rodriguez, City Attorney